

M-09-1049

JAP:AL

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

- - - - - X

UNITED STATES OF AMERICA

- against -

ERROL JEROME MORGAN,
also known as
"Eric J. Reid" and
"Errol O. Morgan,"

Defendant.

COMPLAINT AND
AFFIDAVIT IN SUPPORT
OF APPLICATION FOR
ARREST WARRANT

(T. 8, U.S.C.,
§§ 1326(a) and
1326(b)(1))

- - - - - X

EASTERN DISTRICT OF NEW YORK, SS:

ANTOINETTE GUZMAN, being duly sworn, deposes and states that she is a Deportation Officer with United States Immigration and Customs Enforcement ("ICE"), duly appointed according to law and acting as such.

On or about July 15, 2009, within the Eastern District of New York and elsewhere, the defendant ERROL JEROME MORGAN, also known as "Eric J. Reid" and "Errol O. Morgan," being an alien who had previously been arrested and convicted of a felony, and was thereafter excluded and removed from the United States, and who had not made a re-application for admission to the United States to which the Secretary of the Department of Homeland Security, successor to the Attorney General of the United States, had expressly consented, was found in the United States.

(Title 8, United States Code, Section 1326(b)(1)).

The source of your deponent's information and the grounds for her belief are as follows:^{1/}

1. I am a Deportation Officer with ICE and have been involved in the investigation of numerous cases involving the illegal re-entry of aliens. I am familiar with the facts and circumstances set forth below from my participation in the investigation; my review of the ICE investigative file, including the defendant's criminal history record; and from reports of other law enforcement officers involved in the investigation.

2. On or about July 15, 2009, the defendant, ERROL JEROME MORGAN, also known as "Eric J. Reid" and "Errol O. Morgan," was arrested by the New York City Police Department ("NYPD"), 81st Precinct, in Brooklyn, New York. The defendant was arrested for Criminal Possession of a Controlled Substance with Intent to Sell (Fifth Degree) in violation of Section 220.06 subsection 1 of the New York State Penal Law and Criminal Possession of Marihuana in a Public Place (Fifth Degree) in violation of Section 221.10 subsection 1 of the New York State Penal Law. The defendant used the name "Errol O. Morgan" in connection with his arrest.

^{1/} Because the purpose of this Complaint is to set forth only those facts necessary to establish probable cause to arrest, I have not described all of the relevant facts and circumstances of which I am aware.

3. After the defendant's July 15, 2009 arrest, the NYPD released the defendant from custody and notified ICE of the arrest. ICE officials determined that on or about September 25, 1996, the defendant had been convicted of Criminal Possession of a Loaded Firearm (Third Degree) in violation of Section 265.02 subsection 4 of the New York Penal Law, a felony offense.

4. ICE officials also determined that on or about November 13, 1997, the defendant had been removed as a felon from the United States pursuant to an Order of Removal dated May 30, 1997.

5. An ICE official with fingerprint analysis training compared the fingerprints taken in connection with the defendant's arrest underlying his September 25, 1996 conviction; the fingerprints taken in connection with the defendant's November 13, 1997 removal; and the fingerprints taken in connection with the defendant's July 15, 2009 arrest, and determined that all three sets of fingerprints were made by the same individual.

6. A search of ICE records has revealed that there exists no request by the defendant for permission from either the

United States Attorney General or the Secretary of the Department of Homeland Security to re-enter the United States after removal.

WHEREFORE, your deponent respectfully requests that the defendant ERROL JEROME MORGAN, also known as "Eric J. Reid" and "Errol O. Morgan," be dealt with according to law.



ANTOINETTE GUZMAN
Deportation Officer
United States Immigration and
Customs Enforcement

Sworn to before me this
26th day of October, 2009


UNITED
EASTER

S/Mann


UDGE
RK